

REMARKS

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests entry of the amendment and reconsideration of the application, as amended, in view of the remarks presented below.

Claims 115, 117, 118, 120, 121, 230-232, 234, 236, 287-289, and 291-297 have been amended. Claims 1-114, 122-229, 233, 234, and 237-285 have been canceled. Thus claims 115-121, 230-237, 286-287, 289, 292, 294, and 296 remain pending in the application. No new matter was added by the aforementioned amendments.

The Examiner requested that Applicant provide the exact paragraph in the specification that supports the amendment "transmitting to the sender the message and the digital signature of the message before any authentication of the message for storage by the sender." Applicant submits that support can be found at least in Fig. 2E, and at page 10, ll. 1-3, page 23 ll. 23-30, page 25, ll. 4-11, and page 26, ll. 1-3.

Claim 121 was rejected under the second paragraph of 35 U.S.C. 112. Claim 121, and all claims, were reviewed and amended to provide appropriate antecedent basis where needed.

Claims 115-121, 230-237, 286-287, 289, 292, 294, and 296 have been rejected under 35 U.S.C. § 102(b), as being anticipated by Barkan (International Publication No. WO 98/17042). Further, claims 288, 290-291, 293, 295 and 297 were rejected under rejected under 35 U.S.C. § 103(a), as being unpatentable over Barkan, in view of Zabetian, U.S. Patent No. 6,327,656. Applicant respectfully traverses these rejections.

Claim 115 was amended, among other amendments, to recite storing at least a portion of a mail transport protocol dialog generated during the transmission of the message between the server and the destination address for subsequent proof of the message. Neither Barkan nor Zabetian, taken alone or together, teach or even suggest such a method.

Barkan discloses an email system that uses various encryption methods and public and private keys. Information is passed back and forth between senders and recipients. However, nowhere does Barkan teach or suggest storing at least a portion of a mail transport protocol dialog generated during transmission of the message between the server and destination address

for subsequent proof of the message and the delivery of the message by the server to the destination address, as is claimed in amended claim 115.

For example, Barkan, at page 23-24, in step d. teaches "a forth message including a notice that an E-mail message was sent to a second user, the CRC or has of the message, the identification of the intermediary 71 and the serial number or message identification." There is no teaching of storing at least part of a mail transport protocol dialog.

In step e., Barkan merely teaches sending various messages to various users, with no mention of storing at least part of a mail transport protocol dialog. In step f., Barkan teaches presenting a second user with information relating to a received message, but there is no mention storing of at least part of a mail transport protocol dialog. Similarly, step g. discloses encrypting a fourth message with a private key of a second user to create a fifth message, the fifth message being a receipt signed by the second user with his key, including the message identification and the CRC or hash relating to the contents of the message. There is no disclosure of storing at least part of a mail transport protocol dialog. The same applies to the disclosure of step h.

Similarly, Barkan at pages 29-30, 31-32 and 34 fails to disclose or even suggest storing at least part of a mail transport protocol dialog. Barkan teaches a system using multiple messages and public and private key encryption, a complicated system that is simply not required using Applicant's claimed invention. Moreover, using Applicant's invention of amended claim 115 provides proof of the message, and that the message was delivered by recording the mail transport dialog generated during transmission of the message, thus avoiding all of the additional messages and complicated encryption technology of Barkan.

Moreover, while Zabetian does teach using conventional network communication protocols such as SMTP and the like to transmit electronic documents, Zabetian does not teach or suggest storing at least a portion of a dialog generated by those protocols during transmission of the document. Using a protocol to communicate documents in a network is not the same as storing at least a portion of the communications between servers and destinations that occur as the result of using that protocol. While persons skilled in the art would have been aware of the flow of information that is part of the protocol, Applicant alone recognized the importance of storing the dialog that occurs between a server and destination address that is generated when

using a mail transport protocol such as SMTP for later use in proof of the message and proof of the delivery of the message. For these reasons, Applicant submits that amended claim 115 is patentable over the cited art and respectfully requests that the rejection be withdrawn and that amended claim 115 and its dependent claims, be allowed.

Similar to claim 115, claim 230 was amended to recite creating an electronic attachment at a second server including the identity and address of the sender and the identity and address of the second server and the identity and address of the destination server and at least a portion of a mail transport protocol dialog generated during the transmission of the message between the second sever and destination server. As described with reference to amended claim 115, neither Barkan nor Zabetian, taken alone or in combination, teach or even suggest the novel method of amended claim 230. Further, none of the art, alone or in combination, teach or suggest creating an electronic attachment including at least a portion of a mail transport protocol dialog before any authentication of the message, as is claimed in amended claim 230. Accordingly, Applicant submits that claim 230 as amended is patentable over the cited art and requests that the rejection be withdrawn and that claim 230 and the claims dependent therefrom be allowed.

CONCLUSION

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions to obtain allowance, Applicant requests that the Examiner contact Applicant's attorney, John K. Fitzgerald, at 310-824-5555.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425.

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Respectfully submitted,

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